

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SHERRI L. LOVE,
Plaintiff,

v.

MEDICAL UNIT E FMWCC, *et al.*,
Defendants.

Case No. 2:20-cv-00525-JAD-EJY

ORDER

Pending before the Court is Plaintiff's third Application to Proceed *In Forma Pauperis* (ECF No. 20). Plaintiff filed this application despite having paid \$350 of the applicable \$400 filing fee on September 21, 2021. ECF No. 30. Plaintiff is ordered to pay the remaining \$50.00 fee over time; however, given there are no other amounts due, there is no basis to grant *in forma pauperis* status at this time.

Also pending before the Court is Plaintiff's Motion for Appointment of Counsel. ECF No. 34. As a general matter, there is no constitutional right to counsel for civil litigants. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). The Ninth Circuit holds, however, that counsel may be appointed to indigent defendants in "exceptional circumstances." *Palmer v. Valdez*, F.3d 965, 970 (9th Cir. 2009). In considering whether exceptional circumstances exist, courts consider "the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved." *Id.* at 970. "Neither of these considerations is dispositive and instead must be viewed together." *Id.* Plaintiff's Motion fails to address this standard and provides no basis for appointment of counsel.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Application to Proceed *In Forma Pauperis* (ECF No. 20) is DENIED.

IT IS FURTHER ORDERED that Plaintiff shall pay the remaining \$50.00 due to the Clerk of Court. Specifically, under 28 U.S.C. § 1915, as amended by the Prisoner Litigation Reform Act, the Nevada Department of Corrections shall pay to the Clerk of the United States District

1 Court, District of Nevada, 20% of the preceding month's deposits to the account of Sherri Love, #
2 1023826 (in months that the account exceeds \$10.00) until the remaining \$50 filing fee has been
3 paid for this action. The Clerk shall send a copy of this Order to the attention of Chief of Inmate
4 Services for the Nevada Department of Prisons, P.O. Box 7011, Carson City, NV 89702.

5 IT IS FURTHER ORDERED that Plaintiff's Motion for Appointment of Counsel (ECF
6 No. 34) is DENIED.

7 DATED this 28th day of October, 2021.

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10 ELAYNA J. YOUCHAK
11 UNITED STATES MAGISTRATE JUDGE
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